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Living Green Magazine

The Fracking Industry's Money Trail Leads Straight to Congress

By Sharon Guynup

A natural gas drilling rush is on in rural North Dakota. And with it, residents are reporting growing numbers of respiratory ailments, skin lesions, blood oozing from eyes, and the deaths of livestock and pets.

Elsewhere, residents of Texas, Pennsylvania, Colorado, Wyoming and other states who thought they'd hit the lottery by signing natural gas drilling leases have watched their drinking water turn noxious: slick, brown, foamy, flammable.

Last December, for the first time ever, federal regulators scientifically linked hydraulic fracturing, or fracking, to the contamination of an aquifer, refuting repeated industry claims that the practice does not pollute drinking water.

It happened in the rural ranching community of Pavillion, Wyoming, an area riddled with 162 natural gas wells dug between 1990 and 2006. Despite a decade of complaints from residents that their reeking drinking water was undrinkable—and that many suffered from nerve damage, asthma, heart trouble and other health problems, state officials did nothing. Finally the EPA stepped in, launching a three-year study running from 2008 to 2011.

The EPA identified numerous fracking chemicals in Pavillion's water. Cancer-causing benzene was found at 50 times safe levels, along with other hazardous chemicals, methane, diesel fuel, and toxic metals—in both groundwater and deep wells. Now, across the country in Pennsylvania, the EPA is testing drinking water in 61 locations in Susquehanna County for possible fracking-related contamination.

Nationwide, residents living near fracked gas wells have filed over 1,000 complaints of tainted water, severe illnesses, livestock deaths, and fish kills. Complaints, sometimes involving hundreds of households, have risen in tandem with a veritable gold rush of new natural gas wells—now numbering about 493,000 across 31 states.

The hearings on the EPA's Pavillion report, led by the House subcommittee on Energy and the

Environment, have been contentious, with pro-drilling politicians and industry representatives attacking its conclusions. “The EPA is trying to go after fracking everywhere they can,” said Andy Harris, subcommittee chairman and Maryland Republican. “They’ve had absolutely no proof that fracking had polluted drinking water, that I know of.” Both he and industry spokesmen implied that the media had created a poorly-informed frenzy, spreading fear and mistrust of fracking.

However, James Martin, the EPA’s regional administrator for the West, testified that cement casings that should have protected drinking water were weak or missing—a possible source of contamination.

Other witnesses, including Dr. Bernard Goldstein, of the University of Pittsburgh’s Graduate School of Public Health, argued that the public should be concerned, noting that policy makers lack adequate information to protect public health.

Still, the fracking industry goes virtually unregulated. Why? The answer is money.

With billions in profits flowing their way, it’s no surprise that the oil and gas industry lambasted the recent EPA report. To protect those profits, they’ve pumped \$238.7 million into gubernatorial and Congressional election campaigns since 1990, to persuade lawmakers that fracking is safe—which has very effectively blocked federal regulation. Republican candidates received three to five times more cash. Fracking industry spending especially targeted those charged with overseeing it—members of the House Energy and Commerce Committee and the Senate Committee on Environment and Public Works.

Top Congressional recipients include Joe Barton (R-TX) and John Cornyn (R-TX), with contributions of \$514,945 and \$417,556, Lisa Murkowski (R-AK), who received \$372,450, and Tim Murphy (R-PA) who took in \$275,499. James Inhofe (R-OK), who accepted \$357,788, claimed the EPA study was “not based on sound science but rather on political science.” The industry spent an additional \$726 million on lobbying from 2001–2011 to shield itself from oversight.

Fracking companies also spent big on state gubernatorial races. Pennsylvania governor Tom Corbett received \$361,207 from the industry. Corbett has signaled his willingness to sign a fracking bill passed by the state senate early in February that offers huge benefits to natural gas drillers, and largely disarms municipalities and environmentalists from taking action against the location of wells.

Today, only four of 31 fracking states have significant drilling rules and the gas industry is exempted from seven major federal regulations. One of these, the “Halliburton loophole” (pushed through by former Vice-President/former Halliburton CEO Dick Cheney) exempts corporations from revealing the chemicals used in fracking fluid—bypassing the Clean Water and Safe Drinking Water Acts. Recently, five states have adopted disclosure rules, though they still allow for “proprietary trade secrets”.

Another loophole leaves hazardous waste, including contaminated soil, water and drilling fluids, unregulated by the Resource Conservation and Recovery Act. Still another dodges the Superfund law, which requires that polluters remediate for carcinogens like benzene released into the environment—except if they come from oil or gas.

Fracking, which was invented by Halliburton in the 1940’s, injects water, sand and chemicals into the ground at high pressure, blasting apart shale bedrock to release natural gas. However, industry’s reassurance that fracking is an old technology with a proven safety record is misleading. Modern fracking is drastically different, using new mixtures of chemicals and millions rather than thousands of gallons of water injected at far higher pressure.

It takes between one and five million gallons of water to frack one well. Up to 40 percent of that water returns to the surface, carrying toxic drilling chemicals, high levels of salts and sometimes, naturally-occurring radioactive material. A 1990 industry study concluded that radium in drilling wastewater dumped off the Louisiana coast posed “potentially significant risks” of cancer for people who regularly eat fish from those waters.

More than half of fracking water remains underground, potentially polluting aquifers and drinking water. Streams and groundwater can be contaminated by spills, surface wastewater pits, and by millions of tons of chemical-laden dirt removed during the drilling process. Sewage treatment plants aren’t equipped to treat chemicals or radioactivity in frackwater that could ultimately end up in drinking water.

Today, 65 probable fracking chemicals are federally listed as hazardous. Many others remain unstudied and unregulated, making it impossible to assess the effects on water resources. EPA documents note that some “cause kidney, liver, heart, blood, and brain damage through prolonged or repeated exposure”, and that fracking fluid migrates over unpredictable distances through different rock layers. Last August, a national pediatrician association published concerns about children’s greater susceptibility to fracking chemical exposure.

Clearly, the natural gas industry needs federal regulation, something President Obama pledged in his State of the Union speech. Now, as the Interior Department drafts new fracking rules for public lands, it mustn't be swayed by industry: they must mandate full disclosure of fracking chemicals, well stability, and proper wastewater disposal. The EPA must likewise impose these rules nationwide, and do further studies on human health and environmental impacts. Federal health agencies are calling for a nationwide study that tracks people living near drilling sites.

Congress must pass the Frac Act (currently languishing in subcommittee), which would repeal Safe Drinking Water Act exemptions. Industry-friendly state regulatory agencies must also institute real oversight—many such agencies are like the one in Texas which can approve a new gas drilling permit in as little as two days, but which hasn't inspected some gas wells for five years.

EPA's report creates great incentive for the natural gas industry to increase political spending to further influence public opinion—and will likely impact the outcome of November's Congressional elections. That spending will be much easier after last year's U.S. Supreme Court Citizens United ruling, with industry no longer hindered by a century-old ban on corporate spending around elections.

Natural gas companies must be held to the same regulatory standards as the rest of America's industries. But let's be realistic. Real oversight means we must prevent Exxon, Koch Industries and other oil and gas companies from exerting even more influence over the political process. Otherwise, federal loopholes that poison water and ruin health will never be closed.

To spark real change, Americans must speak up. Loudly.

Find out how much money flows to your Congressperson by reading Common Cause's "Deep Drilling, Deep Pockets" report online.

Journalist Sharon Guynup's writing has appeared in Smithsonian, The New York Times Syndicate, Scientific American, The Boston Globe, and nationalgeographic.com. © www.blueridgepress.com 2012

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